

Minutes

WSDOT AGC ACEC Design-Build Task Force

02/21/2002

1:00 PM to 3:00 PM

AGC - Tacoma

Attendees:

| | | |
|-----------------|------------------------------|--------------|
| Jeff Carpenter | WSDOT Design Build | 360-705-7804 |
| Rick Singer | WSDOT Environmental Affairs | 360-705-7402 |
| Fred Tharp | WSDOT Olympic Region | 253-534-3101 |
| Amy Revis | WSDOT Southwest Region | 360-442-1346 |
| Max Kuney | Max J. Kuney | 509-535-0651 |
| Forrest Dill | Robison Construction, Inc. | 253-863-5200 |
| Scott Sawyer | CH2M Hill | 360-459-2214 |
| Dan Patsula | Inca Engineers Inc. | 425-635-1000 |
| Mark Mulvihill | Jacobs Sverdrup | 425-452-8000 |
| Gerry Gallinger | WSDOT – Real Estate Services | 360-405-7305 |
| Tom Gaetz | Mowat Construction Co. | 425-398-0205 |
| Van Collins | AGC-Tacoma District | |

The initial focus was based upon those items in which overall consensus (or at least a clear majority) had not been reached:

Utility/Third Party caused/related delays: (4 owner, 2 shared, 4 owner) The primary discussion focused on whether the delays were a result of the initial owner agreement or we're due to a design builder's final proposal and/or modified final design.

Agreement was reached to split this item:

Utility/Third party delays from initial agreement:

Owner

Utility/Third party delays from design-builder proposed change:

Design Builder

Initial performance requirements of QC/QA plan: (6 owner, 1 shared, 5 design-builder) Discussion focused on the word "initial". Generally agreed that the initial QA/QC plan belonged to the owner. The final QA/QC plan would belong to the design-builder (next item).

Initial Performance Requirements of QA Plan

Owner

Construction QA Oversight (6 owner, 7 design-builder) - Again, discussion focused on the meaning of oversight. It was agreed to change the title to:

Construction QA procedural compliance auditing*

Owner

*if anyone has a better title please let me know

Accidents within Work Zone – (5 shared, 11 design-builder). Assumed that accidents would be treated as they are now- design-builder's responsibility.

Damage within work zone (6 shared, 10 design-builder). It was agreed that this overlapped with the Accidents within Work Zone item was this item could be removed.

WSP Callbacks - (2 owner, 2 shared, 10 design-builder) - Discussion on this one focused on whether the risk/responsibility was on WSP callback cost or on WSP callback availability. Item was split:

Availability of WSP Callbacks

Owner

Quantity/Cost of WSP Callbacks

Design Builder

Community Relations (5 owner, 7 shared, 2 design-builder) This item was discussed from the standpoint that WSDOT, as the owner, had the ultimate responsibility/risk for adequate community relations/outreach. The design-builder could be required to provide the vast majority of effort on this item but the actual risk/responsibility would have to remain WSDOT's.

Community Relations

Owner

Force Majeure/Acts of God / Differing Site Conditions/Changed Conditions

For this item it was generally agreed that there has been no compelling evidence/arguments for WSDOT to deviate from it's current practices in regard to Acts of God and Differing/Changed conditions

The one area of discussion focused on the Strikes/Labor Disputes. It was felt that WSDOT should understand that PLA's would not be considered acceptable by the AGC. This item was considered broader than just Design-Build however.

Strikes/Labor Disputes - on site labor

Tornado/Earthquake

Epidemic, terrorism, rebellion, war, riot, sabotage

Archaeological, paleontological discovery

Suspension of any environmental approval

Changes in Law

Lawsuit against project

Storm/Flooding

Fire or other physical damage

| | | |
|----|--|--|
| X | | |
| X | | |
| X | | |
| *X | | |
| *X | | |
| X | | |
| X | | |
| X | | |
| X | | |
| X | | |

| | | |
|---|--|---|
| | | X |
| X | | |
| X | | |
| X | | |
| X | | |
| X | | |
| X | | |
| X | | |
| X | | |
| X | | |

Changed Conditions

Differing Site Conditions

| | | |
|---|--|--|
| X | | |
| X | | |

| | | |
|---|--|--|
| X | | |
| X | | |

Establishment/definition of any risk pool

Long term ownership / Final Responsibility

Insurance

| | | |
|---|---|--|
| X | | |
| X | | |
| | X | |

| | | |
|---|--|---|
| X | | |
| X | | |
| | | X |

| Right of Way | Gerry Gallinger |
|--|---------------------------------|
| As promised: Gerry has developed a list of contacts for consultants/firms who perform right of way acquisition. The list of firms provided is by no means all inclusive and does not imply a recommendation by WSDOT Right of Way. The firms listed ranged from local to National. Gerry will provide Jeff Carpenter with an electronic list which will be posted on WSDOT’s design-build website. | |
| Environmental Update | |
| Rick Singer has further developed his list of potential environmental permits which could be required on a project. The question remains what to do with this list. | |
| It has become apparent that a single risk allocation can’t be made regarding all of the potential permits. Both environmental and right of way acquisition will likely rely solely upon the commentary portion of the risk matrix when making decisions regarding who will take the responsibility for each individual permit. | |
| It was agreed that an environmental sub-team would be created to further expand this list and to define when the permit would be obtained, the relative timeline for each permit, and the degree of complexity/difficulty associated with obtaining the permit. | |
| The sub-team members will include: | |
| Jeff Carpenter | WSDOT |
| Rick Singer | WSDOT Environmental |
| Willie O’Neal | AGC (maybe?) |
| Becky Michalysin | (Maybe – Rick Singer to verify) |
| Dan Patsula | ACEC – Inca Engineering |
| Your name here | |
| If there is any interest in this team please let either Jeff Carpenter or Rick Singer know. | |
| Where does the Team go from here | Jeff Carpenter |
| At this time the team has made great inroads into the risk matrix. The initial task listing was provided to all members present to help review what remained to be done. | |
| It was apparent that the development of the risk matrix has gone a long way towards defining a large portion of the task items. | |
| The March meeting will again focus on the initial task list. | |

Team Charter

WSDOT/AGC/ACEC Design-Build Task Force

Define Team

- **Vision** – Help develop a Design-Build Program in Washington State which offers a level playing field for competition and produces a superior product at a competitive price for both standard and mega projects.
- **Purpose** – To serve as a sounding board and make recommendations regarding design-build policy
- **Boundaries** – The entire WSDOT Design-Build process. Initial design, consultant/PM selection, risk allocation, development of the RFP, Design-Builder selection, Design, Construction, QA, Contract Language etc. The team is constrained by current legislative laws (> \$10 million) and the FHWA final rule on design-build.
- **Relationship with UCO** – A separate ACEC/UCO team has been formed to discuss all aspects of the corridor project delivery. The ACEC from the WSDOT/AGC/ACEC Design-Build team will report back to the UCO group.
- **Organizational Linkages** – Representatives are here from various WSDOT support groups, the construction industry and the consulting engineer industry.

Clarify Team Purpose

- **Membership** –

| | | |
|-----------------|----------------------------------|--------------|
| Max J. Kuney | Max J. Kuney | 509-535-0651 |
| Jeff Carpenter | WSDOT Design Build | 360-705-7804 |
| Craig McDaniel | WSDOT Construction | 360-705-7826 |
| Rick Singer | WSDOT Environmental | 360-705-7416 |
| Dave Dye | WSDOT Urban Corridors Office | 206-440-4693 |
| Bob Adams | Guy F. Atkinson Construction Co. | 425-255-7551 |
| Forrest Dill | Robison Construction, Inc. | 253-863-5200 |
| Scott Sawyer | CH2M Hill | 360-459-2214 |
| Phil DuPuis | Kiewit Pacific Co. | 360-693-1478 |
| Dan Patsula | Inca Engineers Inc. | 425-635-1000 |
| Mark Mulvihill | Jacobs Sverdrup | 425-452-8000 |
| Keith Sabol | Parsons Transportation Group | 303-357-8417 |
| Gerry Gallinger | WSDOT – Real Estate Services | 360-405-7305 |
| Tom Zamzow | Wilder Construction Co. | 425-551-3100 |
| Kim Henry | WSDOT – I-405 Team | 206-768-5894 |
| Tom Gaetz | Mowat Construction Co. | 425-398-0205 |
| Tom Baker | WSDOT HQ Materials | 360-709-5401 |
| Fred Tharp | WSDOT Olympic Region | 253-534-3101 |
| ??? | WSDOT Design Office | |

- **Mission** To make recommendations to WSDOT regarding the design-build program.
- **Measures of Success** Modifications made to guidebook, which provide adequate level of guidance and flexibility to designers.
- **Organizational Priorities**
- **Critical Success Factors**
- **Priorities**

Define Responsibilities

- **Team and Individual Responsibilities:**
 - Co Chair: Jeff Carpenter, WSDOT
 - Co Chair: Max Kuney, Max Kuney Co.
- **Shared Responsibilities:**

Operating Guidelines

- **Communications:** Primarily by e-mail. Hard-copy e-mail may be utilized on larger documents. When e-mailing, the entire group should be cc'ed.
- **Roles and responsibilities:** WSDOT will take each of the team's recommendations and generate either a modification to the guidebook incorporating the team's recommendation or a response on why WSDOT won't be using the recommendation in part or in full.
- **Involvement of Stakeholders:** Will be done when appropriate.
- **Meeting Times:** 3rd Thursday of each month. 1:00 pm
- Off-meeting Work – protocol and guidelines
- **Meeting Minutes:** Prepared and distributed by WSDOT.
- **Staff Resources:** limited. On specific issues subject matter experts will be made available to review and discuss ideas with the team.

Interpersonal Behavioral Guidelines

- Core Values – respect, honest, etc.
- Guiding Principles
- Rules of Interpersonal Conduct
- Protocol for Resolving Interpersonal Conflict